

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

2023 DEC 12 AM 11:15

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MUHAMMAD A. NIASS,

Defendant.

CASE NO. 2:23-cr-00238

JUDGE Marbley

INDICTMENT

21 U.S.C. § 841(a)(1) & (b)(1)(C)

18 U.S.C. § 924(c)(1)(A)(i)

FORFEITURE ALLEGATIONS

**THE GRAND JURY CHARGES:**

**COUNT 1**

**(Possession with Intent to Distribute Fentanyl)**

On or about March 9, 2022, in the Southern District of Ohio, the defendant, **MUHAMMAD A. NIASS**, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (commonly known as "fentanyl"), a Schedule II controlled substance.

**In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).**

**COUNT 2**

**(Possession with Intent to Distribute Cocaine)**

On or about March 9, 2022, in the Southern District of Ohio, the defendant, **MUHAMMAD A. NIASS**, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

**In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).**

**COUNT 3**

**(Carrying a Firearm During and in Relation to a Drug Trafficking Crime)**

On or about March 9, 2022, in the Southern District of Ohio, the defendant, **MUHAMMAD A. NIASS**, knowingly carried a firearm, specifically, a Glock 27, Gen 4, .40 caliber handgun (S/N: BDWN644), during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute fentanyl and cocaine, as charged in Counts 1 and 2 of this Indictment, the allegations of which are incorporated here by reference.

**In violation of 18 U.S.C. § 924(c)(1)(A)(i).**

**COUNT 4**

**(Possession with Intent to Distribute Fentanyl)**

On or about July 1, 2023, in the Southern District of Ohio, the defendant, **MUHAMMAD A. NIASS**, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (commonly known as “fentanyl”), a Schedule II controlled substance.

**In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).**

**COUNT 5**

**(Possession with Intent to Distribute Cocaine)**

On or about July 1, 2023, in the Southern District of Ohio, the defendant, **MUHAMMAD A. NIASS**, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

**In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).**

### **FORFEITURE ALLEGATION A**

The allegations from Counts 1-2 and 4-5 are hereby realleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America under 21 U.S.C. § 853(a)(1) and (2).

Upon conviction of any of the offenses from Counts 1-2 or 4-5, the defendant, **MUHAMMAD A. NIASS**, shall forfeit all right, title, and interest in any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense(s), and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense(s).

Substitute Assets: If any of the forfeitable property described above, as a result of any act or omission of the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant, up to the value of the forfeitable property.

**Forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2) and Rule 32.2 of the Federal Rules of Criminal Procedure.**

### **FORFEITURE ALLEGATION B**

The allegations from Counts 1-3 are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

Upon conviction of any of the offenses from Counts 1-3, the defendant, **MUHAMMAD A. NIASS**, shall forfeit to the United States any firearms or ammunition involved or used in such offense(s), including a Glock 27, Gen 4, .40 caliber handgun (S/N: BDWN644), and any associated ammunition.

**Forfeiture pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.**

s/Foreperson  
**Foreperson**

**KENNETH L. PARKER**  
**UNITED STATES ATTORNEY**



**NOAH R. LITTON (0090479)**  
**JENNIFER M. RAUSCH (0075138)**  
**Assistant United States Attorneys**